

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 37-64 are pending in the application, with claims 37, 38, and 64 being the independent claims. Claims 37, 38, 40, 47, 50, 52, 57-60 and 62 are sought to be amended. Claims 1-36 were previously cancelled. Claims 65-82 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Allowable Subject Matter***

Applicants acknowledge with appreciation the Examiner's indication that claim 49 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Objection to the Title***

On page two of the Office Action, the title of the invention was objected to for not being descriptive. The title has been amended accordingly. Applicants therefore respectfully request that the Examiner reconsider and withdraw the objection.

***Objections to the Drawings***

On page two of the Office Action, drawings were objected to because they were incorrectly labeled. There was no specific mention of which drawings were objected to. However, Applicants believe that the Examiner is referring to FIG. 4a, which was originally submitted on two separate sheets.

Submitted herewith is one sheet of Replacement drawing of figure 4a. Identification of the drawing is provided in accordance with 37 C.F.R. § 1.84(c). As mentioned above, FIG. 4a was originally submitted on two separate sheets, please delete the second instance of FIG. 4a. Acknowledgement of receipt, approval, and entry of the Replacement Drawing is respectfully requested.

***Rejections under 35 U.S.C. § 112***

On page three of the Office Action, claims 38 and 57 were objected to for lack of antecedent basis. On page four of the Office Action, claim 58 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 38, 57, and 58 have been amended to address the Examiner's concern. Applicants therefore respectfully request that the Examiner reconsider and withdraw the objection and rejection of claims 38, 57, and 58.

***Rejections under 35 U.S.C. § 102***

On page four of the Office Action, claims 37-64 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Publication No. 2003/0018566 to Mackay *et al.* ("Mackay"). Applicants respectfully traverse this rejection.

Technical differences exist between Mackay and claim 37. Specifically, Mackay fails to teach "a first peer in a peer-to-peer network wherein said first peer is adapted to perform a support role in relation to a second peer in the peer-to-peer network, the second peer being a subject of the support role," as recited in claim 37.

Mackay uses a traditional client-server architecture to manage users (e.g. registrations, log-ins and log-outs) and to manage items for sale (e.g. gathering offers to sell, gathering offers to buy, and matching sell and buy offers). Mackay also describes a traditional peer-to-peer architecture to run the auction. However, once buyers and sellers are introduced by the server, each participant handles their own transaction. Mackay does not teach or suggest a method where one peer performs a support role for the other peer as recited in claim 37. For example, Mackay does not teach one peer to perform a support role by acting as an agent for other peers who are buyers or sellers. In Mackay, this task is specifically performed only by a server dedicated to the task. Paragraph [0027] of Mackay states, "the pertinent criteria of a corresponding offer to sell or buy that item are uploaded to a central database associated with the server 10 . . . that looks for matches." Mackay, para. [0027]. Mackay further reiterates this point by stating that "once the forms for a buyer or a seller agent are created and offer criteria are posted, those criteria are placed into a network transfer data packet to be sent to the server 10." *Id.* at para. [0041].

Mackay describes a second embodiment that does not utilize a server. Even in this embodiment, Mackay does not teach or suggest a method where one peer performs a support role for the other peer as recited in claim 37. As stated above, Mackay does not teach one peer to perform a support role by acting as an agent for other peers who are buyers or sellers. In the second embodiment, this task is specifically performed by the peer used by the relevant buyer or seller. Paragraph [0057] of Mackay states, "... another network computer 46, 47 receiving the broadcast runs a buyer or seller agent that recognises ITS user wishes to participate ..." *Id.* at para. [0057].

Mackay further reiterates this point by stating, "In essence, the receiving network computers 46A, 46B and 46C are interrogated as to whether they run buyer or seller agents that hold a matching offer." *Id.* at para. [0054].

Accordingly, Mackay does not teach or suggest "a first peer in a peer-to-peer network wherein said first peer is adapted to perform a support role in relation to a second peer in the peer-to-peer network," as recited in claim 37. Claim 37 is therefore patentable over Mackay for at least these reasons.

Independent claims 38 and 64 contain similar features as claim 37 which are distinguished above over Mackay. Accordingly, claims 38 and 64 are patentable over Mackay. Claims 39-63 depend from claim 38 and are thus patentable over Mackay for at least the reasons presented above, and further in view of their own features.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 37-64.

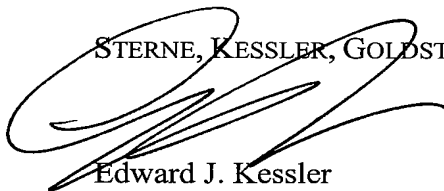
***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Edward J. Kessler  
Attorney for Applicants  
Registration No. 25,688

Date: 22 Nov. 2006

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600  
573199